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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
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20 MARGARITO T. LOPEZ individually
21 and as successor in interest to Margarito
22 E. Lopez, Deceased; SONIA TORRES,
23 KENI LOPEZ, and ROSY LOPEZ,
24 individually,

25 Plaintiffs,

26 vs.

27 CITY OF LOS ANGELES; JOSE
28 ZAVALA; JULIO QUINTANILLA; and
DOES 1-10, inclusive,

Defendants.

Case No.: 2:22-cv-07534-FLA-MAAx

Hon. Judge Fernando L. Aenlle-Rocha
Hon. Mag. Maria A. Audero

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION IN
LIMINE NO. 1 TO EXCLUDE
OTHER LAWSUITS AND
PROCEEDINGS**

FPTC: May 31, 2024
Trial: July 16, 2024

MEMORANDUM OF POINTS AND AUTHORITIES

I. PLAINTIFF SEEKS TO PRESERVE THE RIGHT TO INQUIRE IF THE DOOR IS OPENED BY DEFENDANTS.

Plaintiff does not intend to reference the information Defendants seek to exclude by way of their motion *in limine* No. 1, unless: (1) the subject matter arises in jury selection; (2) Defendants open the door to such inquiry through evidence or testimony that they introduce; or (3) to the extent that it is relevant to Plaintiffs' state law claims and the City of Los Angeles' vicarious liability. "[T]he introduction of inadmissible evidence by one party allows an opponent, in the court's discretion to introduce evidence on the same issue to rebut any false impression that might have resulted from the earlier admission." *United States v. Whitworth*, 856 F.2d 1268, 1285 (9th Cir. 1988). For example, in *Nguyen v. Southwest Leasing and Rental Inc.*, the Ninth Circuit held that the District Court properly admitted rebuttal testimony on the same topic where the other party "opened the door." 282 F.3d 1061, 1067 (9th Cir. 2002). If Defendants open the door, then Plaintiff should be allowed to introduce rebuttal evidence of the same subject matter.

Additionally, Plaintiff does not anticipate referencing such evidence except to the degree that such information is admissible and relevant to Plaintiff's state law claims, as the City remains vicariously liable on those claims.

II. CONCLUSION

Plaintiff generally does not oppose Defendants' motion *in limine* to exclude evidence of other lawsuits, alleged incidents, and administrative proceedings regarding the involved officers and/or the Los Angeles Police Department, except and unless (1) Defendants open the door to such inquiry; (2) the subject matter arises in jury selection or; (3) to the degree that such information is admissible and relevant to the City of Los Angeles' vicarious liability on Plaintiffs' state law

1 claims. For that reason, Plaintiff opposes a blanket exclusion of related rebuttal
2 evidence.

3 Respectfully submitted,

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5 Dated: May 17, 2024

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